

REMARKS

Reconsideration of the subject application is respectfully solicited.

Claims 77, 107, 129, 135, 136, 138, 139, 142, and 157 are pending, with all being independent. Claim 129 has been amended.

Applicants gratefully wish to thank the Examiner for the courtesies extended in granting and conducting with Applicants' representative a personal interview on April 15, 2008, and a telephonic interview on June 10, 2008. During the interviews, Applicants' representative and the Examiner discussed (a) the outstanding Official Action, (b) a proposed amendment to Claim 129 to recite, *inter alia*, that the third porous layer has the same porosity as the first porous layer, and (c) Sony's U.S. Patent Nos. 6,107,213 ("Sony '213"), 6,194,245 B1 ("Sony '245"), 6,326,280 B1 ("Sony '280"), and 6,426,274 B1 ("Sony '274").

Applicants understand from the interviews that the Examiner is in tentative agreement that the proposed amendment to Claim 129, which had been copied from Sony '245 B1 Claim 7 (which recites that the third porous layer has a higher porosity than the first and second porous layers), renders Claim 129 patentably distinct from the patent claim, and Claim 129 has been so amended. Favorable consideration is earnestly solicited.

Turning to the Official Action, that paper states that Applicants' August 28, 2006 Response (copy attached, with page numbers added to the bottom right corner of each page for ease in discussion hereinbelow) failed to provide information mentioned in 37 C.F.R. § 41.202. In particular, the Official Action states that Applicants failed to (1) identify all claims the applicant believes interfere and/or (2) propose one or more counts and/or (3) show how the

claims correspond to one or more counts. In response, Applicants respectfully traverse the foregoing, and are providing the requested information hereinbelow, as follows:

(1) **Identification of claims believed by Applicants to interfere**

As discussed at the interviews, Applicants identify the claims believed by Applicants to interfere as all claims of the subject application *other* than Claim 129 (i.e., Claims 77, 107, 135, 136, 138, 139, 142, and 157) and the following three Sony claims, ‘213 Claim 1, ‘280 Claim 2, and ‘274 Claim 1. Applicants understand from the interviews that while the Examiner wishes Applicants to discuss all of their own claims, which Applicants have done, they need not discuss any other Sony claims than those mentioned above.

(2) **Proposed count**

Applicants propose the following count, as they did in the August 28, 2006 Response: Claim 77 of the subject application.

(3) **Showing how claims correspond to count**

Applicants provide the following showing of how the claims correspond to the count:

(a) Claim 77 is identical to the count;

(b) Claims 107, 135, 136, 138, 139, 142 and 157 and Sony ‘213 Claim 1, ‘280 Claim 2, and ‘274 Claim 1 differ from the count generally with respect to anodization (which is required by some of the claims, but not by the count), the location of the second porous layer (e.g., “within or underneath” the first porous layer), or the details of separating (e.g., “along a line of relative weakness...”), and also would have been obvious over the count, in Applicants’ view.

See also July 28, 2006 Official Action, p. 2, which states that separation along a line of relative weakness or formation of porous regions by anodization is obvious.

(4) **Provide a claim chart comparing at least one claim of each party**

The Official Action also states that Applicants failed to provide a claim chart comparing at least one claim of each party corresponding to the count. In response, as discussed in the interviews, in their August 28, 2006 Response, Applicants did in fact provide three such claim charts, corresponding to the three Sony patents whose claims are discussed herein, that compare a claim of the subject application to a Sony patent claim. See Response, pp. 12-13 (comparing Claim 77 vs. '213 Claim 1), pp. 14-15 (comparing Claim 142 and '280 Claim 2), and pp. 16-17 (comparing Claim 157 and '274 Claim 1). Applicants understand from the interviews that the Examiner is in agreement that all required claim charts have been provided.

(5) **Provide detailed explanation why applicant will prevail on priority**

The Official Action also states that Applicants failed to provide a detailed explanation as to why Applicants will prevail on priority. As discussed at the interview, Applicants respectfully traverse the foregoing, and wish to point out that the Response did include such an explanation. See Response, pp. 4-7. In particular, the Response explained that Applicants are entitled to priority benefit for the count of fourteen prior applications, including five (US 08/401,237, JP 7-45441, JP 7-260100, JP 8-41709, and JP 6-039389) that pre-date Sony's March 18, 1996 filing date (as explained in the Response, Tayanaka (Sony's applicant) is not entitled to earlier filing dates). See also Response, pp. 62-80 (support tables for the count for the prior applications). Thus, Applicants will prevail over Sony on priority. Applicants understand from

the interview that the Examiner is in agreement that Applicants have, in fact, provided the detailed explanation as to why they will prevail on priority.

(6) **Provide written description support charts**

The Official Action states that Applicants failed to provide a claim chart showing the written description for Claims 135, 136, 138, 139, 142, and 157. As discussed at the interview, Applicants respectfully traverse the foregoing, and wish to point out that the Response did include such claim charts. See Response, pp. 33-38 (Claim 135), pp. 38-42 (Claim 136), pp. 43-48 (Claim 138), pp. 49-53 (Claim 139), pp. 53-57 (Claim 142), and pp. 58-61 (Claim 157). Applicants understand from the interviews that the Examiner is in agreement that all required written description charts have been provided.

REQUEST FOR FURTHER INTERVIEW

If any questions remain, Applicants respectfully request that the Examiner contact Applicants' undersigned representative at (202) 530-1010.

CONCLUSION

In view of the foregoing, Applicants respectfully request institution of an interference.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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Attachment: Copy of August 28, 2006 Response, with page numbers added

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